

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TRI-CORP HOUSING, INC.,

Plaintiff,

v.

Case No. 12-C-216

ROBERT BAUMAN, ALDERMAN

Defendant.

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**AFFIDAVIT OF JAN A. SMOKOWICZ IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

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STATE OF WISCONSIN )  
                         ) ss.:  
MILWAUKEE COUNTY )

Jan A. Smokowicz, being first duly sworn on oath, states as follows:

1. I am an attorney, licensed to practice law in the State of Wisconsin, employed as an Assistant City Attorney for the City of Milwaukee, and I have been assigned to represent the interests of the defendant in the above-captioned case.
2. Attached hereto and incorporated herein by reference as Attachment A is a true and correct copy of the Amended Third Party Complaint that Tri-Corp Housing, Inc. filed against the defendant, Robert Bauman, before that action was removed from the Wisconsin state courts to the federal court and which forms the basis for the above-captioned case.

3. Attached hereto and incorporated herein by reference as Attachment B is a true and correct copy of the transcript of the proceedings before the City of Milwaukee Board of Zoning Appeals on May 18, 2006.

4. Attached hereto and incorporated herein by reference as Attachment C is a true and correct copy of certain pages from the transcript of the deposition of Robert Bauman, taken in the above-captioned case before it was removed to this Court.

5. Attached hereto and incorporated herein by reference as Attachment D is a true and correct copy of certain pages from the transcript of the deposition of Maria Prioletta and an exhibit to that deposition, taken in the above-captioned case before it was removed to this Court.

6. Attached hereto and incorporated herein by reference as Attachment E is a true and correct copy of the Wisconsin Court of Appeals decision in *Wisconsin Housing and Economic Development Authority v. Tri-Corp Housing, Inc. v. Bauman*, Appeal No. 2010AP418.

7. Attached hereto and incorporated herein by reference as Attachment F is a true and correct copy of the Wisconsin Court of Appeals decision in *Wisconsin Housing and Economic Development Authority v. Tri-Corp Housing, Inc. v. Bauman*, Appeal No. 2010AP1443.

8. Attached hereto and incorporated herein by reference as Attachment G is a true and correct copy of certain pages from the transcript of the deposition of Michael Brever, taken in the above-captioned case before it was removed to this Court.

9. This affidavit is filed in support of the motion for summary judgment of the defendant.

Dated at Milwaukee, Wisconsin this 1<sup>st</sup> day of March, 2013.

s/JAN A. SMOKOWICZ

Subscribed and sworn to before me  
this 1<sup>st</sup> day of March, 2013.

s/BARBARA A. LUECKING  
State of Wisconsin, Notary Public  
My Commission: 1/12/14

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